UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOVEMBER 22, 1993

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. H. Lawrence Culp, Jr.
Veeder-Root
125 Powder Forest Drive
Post office Box 2003
Simsbury, CT 06070-2003

Dear Mr. Culp:

This letter responds to your request (copy enclosed) for clarification of the Federal underground storage tank (UST) regulations at 40 CFR 280.43 concerning automatic tank gauges (ATGs) and inventory control. A letter (copy enclosed) from this office dated April 18, 1989, to R. Sarah Compton, stated that inventory reconciliation need not be used to supplement the use of an automatic tank gauge capable of detecting a release of 0.2 gallons per hour with a 95% probability of detection and 5% probability of false alarm.

EPA has not changed this interpretation. If an ATG has been shown to meet the monthly performance standard, including the above probabilities, then, pursuant to 40 CFR 280.43(h)[1] inventory control is not required, regardless of the installation date. On the other hand, an ATG that has not been shown to meet the probability requirements must be used in combination with inventory control for compliance purposes. Note that 40 CFR 280.40(a) (3) requires that all ATGs permanently installed on or after December 22, 1990, meet the probability requirements.

At the time of promulgation of the UST rules in 1988, combining inventory control with the ATGS then in existence was required because ATGS had not been shown to meet the performance standard and probabilities. The Agency is now aware of more than 25 models which have been third-party certified as meeting them.

With regard to performance, a monthly test performed by an ATG which has been shown to meet the performance standard and probabilities is at least equivalent to monthly inventory control for a tank, and is usually much more rigorous.

---

[1]40 CFR 280.43(h) states that "[a]ny other type of release detection method, or combination of methods, can be used if: (1) [i]t can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or ..."

Finally, the above interpretation is consistent with the Agency's intent at the time of promulgation of the UST rules. For example, the preamble to the final rule states , at 53 Fed. Reg. 37150-37151, "Currently, conducting monthly tank tightness testing is not a practical or economical method. Tank testing methods may be developed in the future, however, that can be performed on a monthly basis to detect leaks of 0.2 gallon per hour. The final rule allows the use of this method without inventory control once the method is proven to meet the performance standard...." The interpretation also is consistent with the Agency's intent to encourage gradual movement toward general performance standards, as opposed to method-specific requirements. (See, for example, 53 Fed. Reg. 37144 and 37166.)

As you know, state UST programs may impose more stringent requirements than the federal regulations. The owner and operator should check with the state to determine whether the state regulations are different than the federal rule.

The Agency believes that inventory control is a very useful tool in the comprehensive management of a UST system and encourages its use in conjunction with other methods as a matter of prudence. EPA also encourages owners and operators to perform ATG leak tests more frequently than the monthly minimum, in order to detect leaks earlier and from any portion of the tank that routinely contains product. Each ATG should be properly programmed and calibrated for its particular tank.

If you have any further questions, please contact Randy Nelson at (913) 551-7220 or David Wiley at (703) 308-8877.

Sincerely,

/s/

David W. Ziegele, Director
Office of Underground Storage Tanks

Enclosures (2)

cc: UST/LUST Regional Program Managers
UST/LUST Regional Branch Chiefs, (w/o enclosures)
UST/LUST Regional Counsels
OUST Management Team, (w/o enclosures)
Shonee Clark, OUST, (Compendium)
Dawn Messier, OGC
Randy Nelson, Region 7
Milton Robinson, OECA
Barbara Simcoe, ASTSWMO
David Wiley, OUST